

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-57 are pending, Claims 1, 9, 19, 20, 28, 36, 46 and 47 having been amended by way of the present amendment.

In the outstanding Office Action Claims 1-6, 20-25, 36 and 46-47 were rejected as being unpatentable over Parmenter (U.S. Patent No. 6,615,052); Claims 5, 7, 23 and 26 were rejected as being unpatentable over Parmenter in view of Chuah et al. (U.S. Patent No. 6,587,672, hereinafter Chuah); Claims 5 and 7 were rejected as being unpatentable over Parmenter in view of Johansson et al. (U.S. Patent No. 6,804,520, hereinafter Johansson); Claim 15 was rejected as being unpatentable over Parmenter in view of Toskala et al. (U.S. Patent No. 6,374,118, hereinafter Toskala) and in further view of Chuah; Claims 9-14, 17-18, 37-45, 28-33 and 48-56 were rejected as being unpatentable over Parmenter in view of Toskala; Claim 57 was rejected as being unpatentable over Toskala in view of Blois et al. (U.S. Patent No. 6,389,088, hereinafter Blois); Claim 19 was rejected as being unpatentable over Toskala in view of Parmenter; and Claims 16 and 35 were rejected as being unpatentable over Parmenter in view of Toskala and in further view of Johansson.

In reply, several of the independent claims have been amended. In particular, amended Claim 1 is directed to a transmission power control apparatus that among other things, includes transmission power control parts, each for controlling a transmission power of a call according to transmission power control information sent from a communication apparatus that is a sending destination of the call. The apparatus includes a setting part for setting a transmission power upper limit value for each of the transmission power control parts. The transmission power upper limit value is determined according to a circuit type of the call. Furthermore, each transmission power control part reduces the transmission power for the call to the transmission power upper limit value or below. Support for the amendment

to Claim 1 is found in the specification for example at Figures 8 and 9, and pages 26, line 29 through page 29, line 6. Therefore no new matter is added.

In a non-limiting example, Figure 9 shows the process by which a type of call is obtained, identified and a determination is made in step S202 whether it is a circuit switch type. If circuit switching is used, then an upper limit of transmission power is set to a level "B". On the other hand, if it determined that the type of call is a packet switched call, then the process proceeds to step S203 where an upper limit of the transmission power is set to "A".

Parmenter is directed to a radio frequency power control algorithm that dynamically adjusts an output power level in each channel of a multi-channel mobile system. The power levels of the voice and data channels are preset, and in determining whether a voice or data call is received, looking up pre-stored power parameters for each active transmission channel (see e.g. Abstract). In this way, the dynamic aspect of the system in Parmenter is that it allows for the adjustment of the power level in each channel in which the control processor tracks the number and type of active calls and then adjusts the output power of each channel transmitter to limit the high power amplifier output power to a predetermined range. However, the system in Parmenter does not teach or suggest the claimed transmission power control parts that control (by increasing or decreasing) a transmission power of a call based on transmission power control information sent from a communication apparatus corresponding to the call. Thus, it is respectfully submitted that Parmenter neither teaches nor suggests all the features of amended Claim 1. Consequently it is believed that Claim 1 patentably defines over Parmenter.

Although Claim 20 is directed to a different statutory class of invention, Claim 20 has been similarly amended and includes similar features as Claim 1, which distinguish

Parmenter as discussed above. Accordingly, it is respectfully submitted that Claim 20 also patentably defines over Parmenter.

Claim 36 has been amended to include a similar provision regarding the transmission power control parts discussed above with regard to Claim 1. Furthermore, Claim 36 includes a classifying part for classifying calls output from said transmission power control parts into a plurality of groups. It is believed that Parmenter also lacks this feature and therefore does not anticipate Claim 36. Moreover, Claim 36 includes both transmission power control parts as well as a classifying part, neither of which are believed to be found in Parmenter.

As with Claim 36, Claims 46 and 47 have been amended and although of different statutory class and/or scope, contain similar features to Claim 36. Accordingly, it is respectfully submitted that the invention defined by Claims 46 and 47 patentably define over Parmenter.

As Claims 2-8 and 21-25 depend from at least one of the independent claims discussed above, it is respectfully submitted that these dependent claims also patentably define over Parmenter.

Claims 5, 7, 23 and 26 were rejected over Parmenter in view of Chuah. Chuah is asserted for its disclosure of an over-input to a power amplifier to adjust a transmission power upper level limit. However, Chuah does not otherwise cure the deficiencies of Parmenter with respect to the independent claims above. Accordingly, it is respectfully submitted that no matter how Chuah is combined with Parmenter, the combination does not teach or suggest all the features of dependent Claims 5, 7, 23 and 26.

Likewise, Claims 8 and 27 were rejected as being unpatentable over Parmenter in view of Johansson. Johansson is asserted for its disclosure of a call loss and sets another transmission power upper limit value when the call loss occurs. Assuming *arguendo* that this is the case, even this disclosure in Johansson does not cure the deficiencies with regard to

Parmenter and therefore it is respectfully submitted that Claims 8 and 27 patentably define over Parmenter in view of Johansson.

In the rejection of Claim 15, Toskala is asserted for describing a SIR determining part, which is combined with Chuah to presumably include all the features of Claim 15. As previously discussed, Claim 9 has been amended to include the transmission control parts discussed above with regard to Claim 1, and also includes a feature where the communication station determines the transmission control information by comparing the control target SIR with an SIR other received signal. As discussed above, Parmenter does not teach or suggest the claimed transmission power control part. Toskala is asserted for this feature and is asserted as including an SIR determining part, as claimed. Actually, Toskala discloses that “the carrier/interference target (SIR target) is increased, and thus the transmission power is also increased” (column 6, lines 22-23). However, Toskala neither teaches nor suggests that a communication apparatus determines a target SIR and sends the target SIR to another communication apparatus so as to receive the transmission power control information from another communication apparatus, determined based on the target SIR wherein the received transmission power control information is used for power control in the communication apparatus. Accordingly, no matter how Parmenter is combined with Toskala, the combination neither teaches nor suggests all the features of amended Claim 9. Likewise, Claim 28 has been similarly amended and therefore is believed to patentably define over Parmenter in view of Toskala. Each of the other rejected claims are dependent claims that are believed to patentably define over the asserted prior art for at least the reasons discussed above with regard to the independent claims.

Likewise, Claim 15 depends from Claim 9 and is rejected based on a tertiary reference of Blois. Blois is asserted for its use of power reduction subject to a call for a minimum power value which can maintain synchronization. However, assuming *arguendo*

Application No. 10/050,861  
Reply to Office Action of December 16, 2004

that Blois does disclose this feature, even this disclosure in Blois would not cure the deficiency of Claim 57. Because this combination of references does not disclose all the features of independent Claim 47, it is respectfully submitted that Claim 57 patentably defines over the asserted prior art.

Likewise, dependent Claim 19 is believed to patentably define over Toskala in view of Parmenter; and dependent Claims 16 and 35 are believed to be patentably define over Parmenter in view of Toskala and in further view of Johansson.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-57 as amended is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

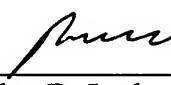
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

  
Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

BDL\la

I:\ATTY\BDL\218234US-AM.DOC